

1 **Rule 15-607. Aggravation and mitigation.**

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3 After misconduct has been established, aggravating and mitigating circumstances may be
4 considered and weighed in deciding what sanction to impose.

5 (a) Aggravating circumstances. Aggravating circumstances are any considerations or factors
6 that may justify an increase in the degree of discipline to be imposed. Aggravating circumstances
7 may include:

8 (a)(1) prior record of discipline;

9 (a)(2) dishonest or selfish motive;

10 (a)(3) a pattern of misconduct;

11 (a)(4) multiple offenses;

12 (a)(5) obstruction of the disciplinary proceeding by intentionally failing to comply with rules
13 or orders of the disciplinary authority;

14 (a)(6) submission of false evidence, false statements, or other deceptive practices during the
15 disciplinary process;

16 (a)(7) refusal to acknowledge the wrongful nature of the misconduct involved, either to the
17 client or to the disciplinary authority;

18 (a)(8) vulnerability of victim;

19 (a)(9) substantial experience in the practice of law;

20 (a)(10) lack of good faith effort to make restitution or to rectify the consequences of the
21 misconduct involved; and

22 (a)(11) illegal conduct, including the use of controlled substances.

23 (b) Mitigating circumstances. Mitigating circumstances are any considerations or factors that
24 may justify a reduction in the degree of discipline to be imposed. Mitigating circumstances may
25 include:

26 (b)(1) absence of a prior record of discipline;

27 (b)(2) absence of a dishonest or selfish motive;

28 (b)(3) personal or emotional problems;

29 (b)(4) timely good faith effort to make restitution or to rectify the consequences of the
30 misconduct involved;

31 (b)(5) full and free disclosure to the client or the disciplinary authority prior to the discovery
32 of any misconduct or cooperative attitude toward proceedings;

33 (b)(6) inexperience in the practice of law;

34 (b)(7) good character or reputation;

35 (b)(8) physical disability;

36 (b)(9) mental disability or impairment, including substance abuse when:

37 (b)(9)(A) the respondent is affected by a substance abuse or mental disability; and

38 (b)(9)(B) the substance abuse or mental disability causally contributed to the misconduct; and

39 (b)(9)(C) the respondent's recovery from the substance abuse or mental disability is

40 demonstrated by a meaningful and sustained period of successful rehabilitation; and

41 (b)(9)(D) the recovery arrested the misconduct and the recurrence of that misconduct is

42 unlikely;

43 (b)(10) unreasonable delay in disciplinary proceedings, provided that the respondent did not

44 substantially contribute to the delay and provided further that the respondent has demonstrated

45 prejudice resulting from the delay;

46 (b)(11) interim reform in circumstances not involving mental disability or impairment;

47 (b)(12) imposition of other penalties or sanctions;

48 (b)(13) remorse; and

49 (b)(14) remoteness of prior offenses.

50 (c) Other circumstances. The following circumstances should not be considered as either

51 aggravating or mitigating:

52 (c)(1) forced or compelled restitution;

53 (c)(2) withdrawal of complaint against the licensed practitioner;

54 (c)(3) resignation prior to completion of disciplinary proceedings;

55 (c)(4) complainant's recommendation as to sanction; and

56 (c)(5) failure of injured client to complain.